

## **Chapter II**

### **Current Land Use**

#### **INTRODUCTION**

The Current Land Use Chapter describes how land is currently being used in Sutton, along with some of the development history, trends, and regulations that have brought us to its current status. The Future Land Use Chapter tackles the tough question of “What will the Town look like if changes are made today in the land development patterns; if history does not continue forward?” Both Chapters are necessary in the Master Plan, one to tell people where the Town is today and one to say where it could and should be going tomorrow.

The history of Sutton's development pattern began long before there were any land use regulations in the State or Town. Development occurred in those areas with good drainage, access to a water supply, transportation, and waterpower. Sutton developed into four distinct villages – East Sutton Village, South Sutton Village, North Sutton Village, and Sutton/Sutton Mills – which still remain intact today. The institution of zoning ordinances and other land use tools reflects a relatively recent effort to assure that development proceeds in a planned and controlled manner rather than being allowed to “just happen.” The intelligent use of such tools becomes increasingly important as the economic expansion of southern New Hampshire focuses increasing development pressure on the Town.

Increased population growth, evolving housing needs, and changing social and economic trends discussed throughout the Master Plan have had a direct impact on the landscape of the community. Land is a finite resource and thoughtful use of land is a critical issue for all communities. How a community uses its land base has a direct impact on aesthetics, community character, transportation infrastructure, housing affordability, as well as the tax base.

#### **CURRENT LAND USE TYPES**

The existing land use pattern in Sutton is typical of many communities in New Hampshire; commercial land uses are located along heavily traveled regional roadways while the majority of residential development is located in the back lands of the community. Please see the **Current Land Use Map** for more detailed information. The following table is a summary of the current composition of land uses in Sutton.

##### **Residential Land**

Residential land uses are scattered throughout the community, with current development pressures influenced by Concord and the Dartmouth/Lake Sunapee Region. In total, residential land uses occupy nearly 5.3% of the community's land area.

### Public / Institutional Land

In total, public and institutional land uses occupy approximately 1.2% of the community's land area. Examples of such uses include the school, Town Offices, the Department of Public Works, State-owned land, Town-owned recreation land, Library, and local churches and cemeteries.

### Commercial Land

This land use occupies less than 3.5% of Sutton's total land area. Commercial uses involve the sale or trade of goods and services, examples of which include restaurants, convenience stores, warehouses, and gas stations.

### Excavation Land

This use occupies slightly more than 2% of the community's total land area. The excavation of land encompasses any land use where raw materials are removed from the earth and processed.

### Highway and Utility Land

Highway and utility lands include electric, railroad, cable, and telephone rights-of-way, as well as the right-of-way for Interstate 89. This land use occupies 2.7% of the communities total land area.

### Non-Profit Land

Non-profit lands include those properties in Sutton owned by Habitat for Humanity and the Girl Scouts, which account for approximately 1% of the total land area.

### Conservation Land

Conservation lands include land that has been permanently set aside for conservation, with development thereby prohibited. Such land includes Town forests, lands owned by private conservation organizations, and properties subject to conservation easements. Occupying nearly 7% of the community's total land area.

### Undeveloped Land

Undeveloped lands, which are lands that are neither currently developed nor protected from development, comprise 77.3% of the Town's entire land area. Some of these areas are located on land with steeper slopes, limited road access, or other development constraints. This category also includes land that may have a current building on it but that can still be further developed based on the Town's regulations.

### Summary of Acreage Developed by Land Use Category, 2004

Category	Area (Acres)*	Percent of Total Land
Residential Land	1,454	5.3%
Commercial Land	948	3.5%
Public / Institutional Land	340	1.2%
Excavation Land	532	2.0%
Highway/Utility Land	743	2.7%
Non-Profit Land	265	1.0%
Conservation Land	1,895	7.0%
Undeveloped Land	21,056	77.3%
<b>Total</b>	<b>27,234</b>	<b>100%</b>

Source: CNHRPC Geographic Information System (GIS),  
Town Reports, Town Assessor information

\* Estimates based on GIS mapping for 2004 Master Plan

### DEVELOPMENT PATTERNS, 1994-2003

Research and analysis of development patterns is important to help Sutton better plan for future development. Knowledge of development patterns helps people be aware of and understand the changes taking place within a Town, as well as in abutting communities. By looking at how many subdivisions and site plans were approved, building permits issued, and land placed in and taken out of Current Use during the past ten years, the Town is able to accurately report trends.

#### Subdivision Activity

During the period of 1994 through 2003, a total of 72 new lots were created in Sutton through subdivisions. The table below compares the amount of subdivision activity in Sutton to the amount of subdivision activity in abutting communities.

#### Number of New Lots Created, 1994-2003

	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	Total
<b>Sutton</b>	0	4	1	2	37	1	1	3	4	19	<b>72</b>
<b>Bradford</b>	3	2	1	1	7	6	20	6	16	27	<b>89</b>
<b>New London</b>	16	41	16	4	20	33	15	0	27	32	<b>204</b>
<b>Newbury</b>	n/a										
<b>Warner</b>	9	1	4	1	2	2	3	3	7	13	<b>45</b>
<b>Wilmot</b>	n/a										

Source: Town Staff, Town Reports, UVLSRPC staff, Bradford Meeting Minutes

#### Site Plan Activity

From 1994-2003, there were 20 Site Plans approved by the Town of Sutton. These approved Site Plans included a change of use from a commercial or industrial use to another, as well as

approvals for new commercial or industrial operations. The table below shows the comparison to abutting communities.

### **Number of Site Plans<sup>1</sup> Approved, 1994-2003**

	<b>1994</b>	<b>1995</b>	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>Total</b>
<b>Sutton</b>	0	0	1	1	2	0	2	4	8	2	<b>20</b>
<b>Bradford</b>	3	5	3	2	3	7	0	4	8	6	<b>41</b>
<b>New London</b>	11	8	7	13	0	12	15	11	16	14	<b>107</b>
<b>Newbury</b>	7		3	0	3	5	3	5	2	6	
<b>Warner</b>	1	2	2	3	1	5	1	5	7	9	<b>38</b>
<b>Wilmot</b>						2		2	7	4	

Source: Town Reports, Town Staff, Bradford Meeting Summaries, UVLSRPC Staff

### **Residential Building Permits**

During the period of 1994 through 2003, Sutton issued 141 building permits for new residential construction. This number does not include the tear-down and rebuilding of existing residential structures. See the Housing Chapter for more information.

### **Number of New Residential Building Permits Issued, 1994-2003**

	<b>1994</b>	<b>1995</b>	<b>1996</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>Total</b>
<b>Sutton</b>	6	2	4	0	4	17	25	17	33	33	<b>141</b>
<b>Bradford</b>	1	1	3	2	9	11	14	13	18	11	<b>83</b>
<b>New London</b>	18	25	23	20	33	33	24	15	42	32	<b>265</b>
<b>Newbury</b>	12	14	21	15	19	32	28	29	31	46	<b>247</b>
<b>Warner</b>	4	7	12	12	12	10	13	23	25	26	<b>150</b>
<b>Wilmot</b>	12	3	7	5	9	12	8	11	9	26	<b>102</b>

Source: Annual Town Reports, Town Staff, NHOEP Current Estimates and Trends in NH Housing Supply

<sup>1</sup> Some communities require Site Plans for Home Businesses.

## **Current Use**

Current Use is one of the easiest and most popular methods of preserving undeveloped land, forests, and agricultural fields. Current Use is a preferential tax program (RSA 79-A) in which the land is taxed on its potential to generate income in its existing or current use. Sutton residents have continually participated in this program, as can be seen by the figures below.

### **Current Use Acreage for the Town of Sutton for 1994-2003**

	<b># Acres in Current Use</b>
<b>1994</b>	16,723
<b>1995</b>	16,362
<b>1996</b>	17,425
<b>1997</b>	17,735
<b>1998</b>	17,799
<b>1999</b>	18,040
<b>2000</b>	18,043
<b>2001</b>	17,520
<b>2002</b>	17,545
<b>2003</b>	17,452

Source: Town Reports

## **CURRENT ZONING REGULATIONS**

The power to regulate private property is one of the most important powers granted to local governments. Used properly, zoning can be a powerful tool to improve the aesthetics of a community, protect the natural environment, and enhance the quality of life. Used improperly, zoning can serve special interests, diminish the natural environment, and increase disparities between socioeconomic classes.

### **Zoning Districts**

The Town of Sutton has two Zoning Districts – a Residential District and a Rural-Agricultural District. The locations of these Districts can be seen on the **Current Zoning Map**.

#### **Residential District**

The Residential District encompasses 9% of the Town and allows the following uses: Single-family dwellings (excluding manufactured homes); Accessory buildings; Rooming or boarding houses (no more than 4 guests); and Home businesses. In addition, with a Special Exception<sup>2</sup> granted by the Zoning Board of Adjustment, Two-family dwelling; Nursing homes; Private clubs; Hospitals; Kindergartens; Day care centers; Religious institutions; Public libraries;

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<sup>2</sup> Special Exception – A use which may be approved by the Zoning Board of Adjustment in Districts where the use is specifically authorized by the Ordinance, and where the Zoning Board of Adjustment finds that such use can be developed in accordance with the provisions of Article VI of the Zoning Ordinance.

Municipal buildings; Parks or playgrounds; Public museums; Educational institutions; and Cluster developments are also allowed.

In the Residential District, a 2-acre lot size is required with 250' frontage along a town road, 15' side and rear setback, and a 75' setback from the high water mark of a wetland and 150' setback from the boundary of a lake. Depending on the type of street the property is accessed by, the following front setbacks apply - 46.5' front setback on a 2 rod street or private right-of-way, a 55' front setback on a 3 rod wide State or Town road, or a 63' front setback on a 4 rod wide State or Town road.

#### Rural-Agricultural District

The Rural-Agricultural District encompasses 91% of the Town and allows the following uses: Single-family dwellings (excluding manufactured homes); Accessory buildings; Rooming or boarding houses (no more than 4 guests); Home businesses; Forestry; and Roadside or farm stands. In addition, with a Special Exception granted by the Zoning Board of Adjustment, Two-family dwelling; Nursing homes; Private clubs; Hospitals; Kindergartens; Day care centers; Religious institutions; Public libraries; Municipal buildings; Parks or playgrounds; Public museums; Educational institutions; Cluster development; Essential service; Commercial sawmill; Automobile repair shop; Golf course and country club; Riding stables; Dog kennels; Industrial, commercial, or agricultural use; land application of sewage sludge, and Manufactured home parks or subdivisions (10 home minimum) are also allowed.

In the Rural-Agricultural District a 2 acre lot size is required with 200' frontage along a town road, with a 25' side and rear setback. Depending on the type of road the development is accessed by, a 66.5' front setback on a 2 rod street or private right-of-way, a 75' front setback on a 3 rod wide State or Town road, or a 83' front setback on a 4 rod wide State or Town road will be required.

#### **Overlay Zoning Districts**

Overlay Districts are superimposed upon the Base Zoning Districts, described above, so that the regulations pertaining to the Overlay Districts shall be *in addition* to the regulations of the Base District. The land within the town may be used if and to the extent that such use is permitted in both the applicable Base and any relevant Overlay District(s).

#### Floodplain Development Ordinance

The Floodplain Development Ordinance was adopted in 1988 and amended in 1994 and again in 1998. The Floodplain District was established to reduce the hazards of floods upon public health, safety, and welfare; to protect areas from flooding caused by land development; to protect the public from financial burden for flood control and relief; and to protect the capacity of floodplain areas to absorb, transmit, and store runoff. See the **Current Zoning Map** in the Natural Resources Chapter for the location of this District.

#### Personal Wireless Service Facilities

The purpose of the Personal Wireless Service Facilities (PWSF) Ordinance is to permit carriers to locate PWSF in the Town of Sutton consistent with appropriate land use regulations that will ensure compatibility with the visual and environmental features of the Town. New ground-

mounted PWSF are permitted, but only when the use of existing structures and buildings is found not to be feasible. Co-location is encouraged for PWSF applications and the review of such applications shall be on this basis.

### **Other Zoning Ordinance Provision**

In addition to the Zoning District, Sutton has adopted numerous other Land Use Regulations that influence and help shape the land use patterns in Town. Some of these Zoning Ordinances are specific to a District, while others can be applied to the entire Town, when certain criteria are met.

### **Land Application of Sewage Sludge**

Land application of EPA Class B sewage sludge may be permitted only in the Rural-Agricultural District of the Town subject to the approval of a Special Exception by the Zoning Board of Adjustment and Site Plan Review by the Planning Board.

### **Cluster Development**

The purpose of the Cluster Development provision is to encourage the preservation of open space, to promote more efficient use of land in harmony with its natural features and limitations, and to accommodate flexibility and variety in residential development within the prescribed limits so as to enhance and protect the health, safety, convenience, and general welfare of the residents of Sutton.

The ordinance is intended to promote the arrangement of dwellings to enhance privacy for residents; safety for children, pedestrians, and bicyclists; and to enhance aesthetic enjoyment through interrelating open spaces with residential areas, providing views of natural features, and through provisions of recreational amenity.

## **CONCLUSION**

This Chapter describes how the land in Sutton is currently being used and the development patterns that brought the town to this point. Potential new developments may impact the town visually, environmentally, historically, or fiscally, all of which merit the attention of the Planning Board and Zoning Boards. How these lands are to be used will impact all aspects of town life, town services, schools, conservation, commercial growth, and residential growth. The Town is currently in a position to make decisions on future land use that will impact the development, feel, and character of the Town. The following Chapters in the Master Plan contain recommended changes to the land development regulations. Those recommended changes seek to guide future growth and development in a manner that builds on the foundations established by Sutton's history, and reflects the interests and desires of its current citizens.